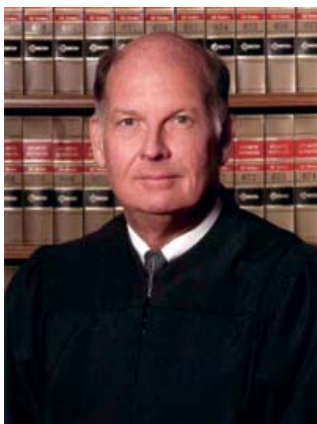


Message from Chief Justice Myron T. Steele



To Governor Ruth Ann Minner, Members of the General Assembly, and the Citizens of the State of Delaware:

I am pleased to present the Delaware Judiciary "2005 Annual Report". The many accomplishments outlined in this report reflect the dedication and hard work of all of the judges and staff within each court and I offer them my sincerest thanks. I would also like to take this opportunity to thank Governor Minner and the General Assembly for their continued support and efforts on behalf of the court system. Without these, the many accomplishments of the Judicial Branch would not have been possible. For its part, the Judicial Branch continues to remain committed to working with Governor Minner and the General

Assembly in maintaining a mission critical approach to its funding requests and to working together to focus efforts on those key initiatives which are of the most vital importance to the court system.

During the past year, the joint efforts of all three branches of government have made possible many achievements including several court facility projects. First, the Sussex County Courthouse renovation has neared completion. This project has created a more modern and more functional courthouse for the Superior Court and Court of Common Pleas through the addition of three new courtrooms, including one video courtroom, as well as a new jury assembly room and an updated entrance which allows for the implementation of improved security measures. Also, in January 2005, the Sussex County Justice of the Peace Court No. 1 relocated to a larger and more centrally located facility in Frankford. In Kent County, renovations and additions to the Kent County Courthouse are in the planning stages.

The New Castle County Courthouse, which was completed in 2002, has been brightened with the addition of a number of new pieces of artwork. The New Castle County Courthouse Art Committee has worked with the General Assembly, as well as private organizations and individuals, to obtain funding and has been responsible for the selection of those pieces of art which now grace the Courthouse. I would like to thank all of the many individuals who have contributed time or resources to this effort.

In addition, the General Assembly has provided an appropriation from the FY '06 Bond Bill for the balance of the funding which is expected to be needed for the COTS information system project. That project has made significant progress during the past year and implementation of the first phase of the project is expected in FY '07.

Another notable effort has been the establishment of an electronic filing system in the Supreme Court. Under the leadership of Justice Ridgely, as Chair of the Supreme Court's E-Filing Committee, the Delaware Supreme Court became the first appellate court in the nation to require electronic filing of appeal documents. The Supreme Court, along with the Delaware Law-Related Education Center, has also been honored by its selection to host the National High School Mock Trial Championships in 2008.

The Court of Chancery continues to enjoy a national reputation as an outstanding business court. As evidence of this fact, Delaware was the forum for the high-profile Disney trial which was held in October 2004.

For the fourth year, the Harris Poll State Liability Systems Ranking Study conducted for the United States Chamber Institute for Legal Reform rated Delaware the number one court system overall and the Superior Court as the premier court of general jurisdiction in the country. The study measures corporate America's perception of which state is doing the best job of creating a fair and reasonable litigation environment. Among the areas surveyed were overall treatment of tort and contract litigation, treatment of class action suits, punitive damages, promptness of summary judgment/dismissal, discovery, scientific and technical evidence, judges' impartiality and competence, and juries' predictability and fairness.

The Family Court has continued to make progress in juvenile justice initiatives. During FY 2005, the Court focused on efforts to provide alternatives to secure pre-trial detention for juveniles, whenever possible. To this end, the Court developed an objective risk assessment instrument and hired two expeditors to identify alternative placement options. In addition, Chief Judge Kuhn has chaired the Delaware Girls Initiative which is a collaborative group designed to explore a comprehensive continuum of services for at-risk adolescent girls.

During FY 2005, the Court of Common Pleas expanded its successful mediation (alternate dispute resolution) program to parties in civil cases. The program, which began with criminal cases in 2001, gives participants the opportunity to resolve conflicts more quickly and efficiently than the regular court process.

The Justice of the Peace Court welcomed Alan G. Davis as the new Chief Magistrate in July. Before being named Chief Magistrate, Chief Magistrate Davis was in private practice in Georgetown. He replaces former Chief Magistrate Patricia W. Griffin, who was named State Court Administrator.

An area of particular concern to the entire court system during this fiscal year has been court security. Incidents that have occurred in other areas of the country have emphasized the need to ensure that our courthouses are safe locations for the provision of justice. To this end, the Administrative Office of the Courts has coordinated security reviews by the U.S. Marshal Service of State courthouses and is working with the courts to identify changes necessary to ensure the safety of all those who use or work in our courthouses.

On a final note, the entire Judicial Branch will miss Judge Richard S. Gebelein who retired from the Superior Court on August 31, 2005 to assume the role of International Judge in the State Court of Bosnia and Herzegovina. Judge Gebelein, who served on the Bench for 21 years, was known for his efforts in sentencing reform and in establishing Delaware's Drug Courts. I, along with all of those who have worked with him over the years, join in wishing him well as he embarks on new endeavors.

Respectfully,



Myron T. Steele

INTRODUCTION TO THE DELAWARE COURT SYSTEM



The Delaware Judicial Branch consists of the Supreme Court, the Court of Chancery, the Superior Court, the Family Court, the Court of Common Pleas, the Justice of the Peace Court and related judicial agencies.

In terms of interrelationships among the courts, the Delaware Court system is similar to a pyramid. The Justice of the Peace Court and the Alderman's Courts represent the base of the pyramid and the Supreme Court the apex of the pyramid. As a litigant goes upward through the court system pyramid, the legal issues generally become more complex and, thus, more costly to litigate. For this reason, cases decided as close as possible to the entry level of the court system generally result in cost savings in resources used to handle the matters and in speedier resolution of the issues at hand.

The Justice of the Peace Court, the initial entry level into the court system for most citizens, has jurisdiction over civil cases in which the disputed amount does not exceed \$15,000. In criminal cases, the Justice of the Peace Court hears certain misdemeanors and most motor vehicle cases (excluding felonies) and the justices of the peace may act as committing magistrates for all crimes. Appeals from the Justice of the Peace Court may be taken to the Court of Common Pleas.

The Court of Common Pleas has jurisdiction in civil cases where the amount in controversy, exclusive of interest, does not exceed \$50,000. In criminal cases, the Court of Common Pleas has jurisdiction over all misdemeanors in the State except certain drug-related offenses. It also handles motor vehicle offenses (excluding those that are felonies). In addition, the Court is responsible for preliminary hearings in felony cases. Appeals may be taken to the Superior Court.

The Family Court has exclusive jurisdiction over virtually all family and juvenile matters. All civil appeals, including those relating to juvenile delinquency, go directly to the Supreme Court while criminal cases are appealed to the Superior Court.

The Superior Court, Delaware's court of general jurisdiction, has original jurisdiction over criminal and civil cases except equity cases. The Court has exclusive jurisdiction over felonies and almost all drug offenses. In civil matters, the Court's authority to award damages is not subject to a monetary maximum. The Superior Court also serves as an intermediate appellate court by hearing appeals on the record from the Court of Common Pleas, the Family Court (in criminal cases), and a number of administrative agencies. Appeals from the Superior Court may be taken on the record to the Supreme Court.

The Court of Chancery has jurisdiction to hear all matters relating to equity. The litigation in this tribunal deals largely with corporate issues, trusts, estates, other fiduciary matters, disputes involving the purchase of land and questions of title to real estate as well as commercial and contractual matters. The Court of Chancery has a national reputation in the business community and is responsible for developing the case law in Delaware on corporate matters. Appeals from the Court of Chancery may be taken on the record to the Supreme Court.

The Supreme Court is the State's appellate court that receives direct appeals from the Court of Chancery, the Superior Court, and the Family Court. As administrative head of the courts, the Chief Justice of the Supreme Court, in consultation with the other justices, sets administrative policy for the court system.

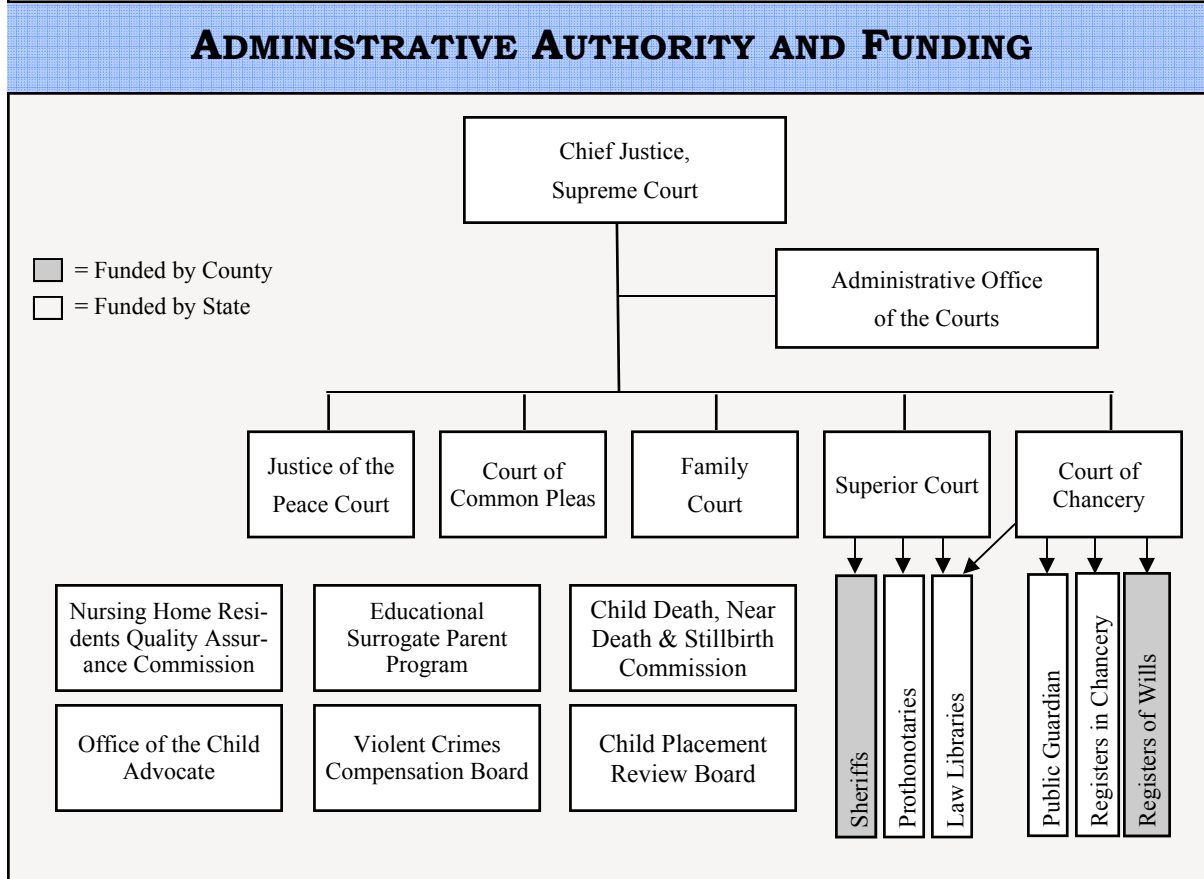
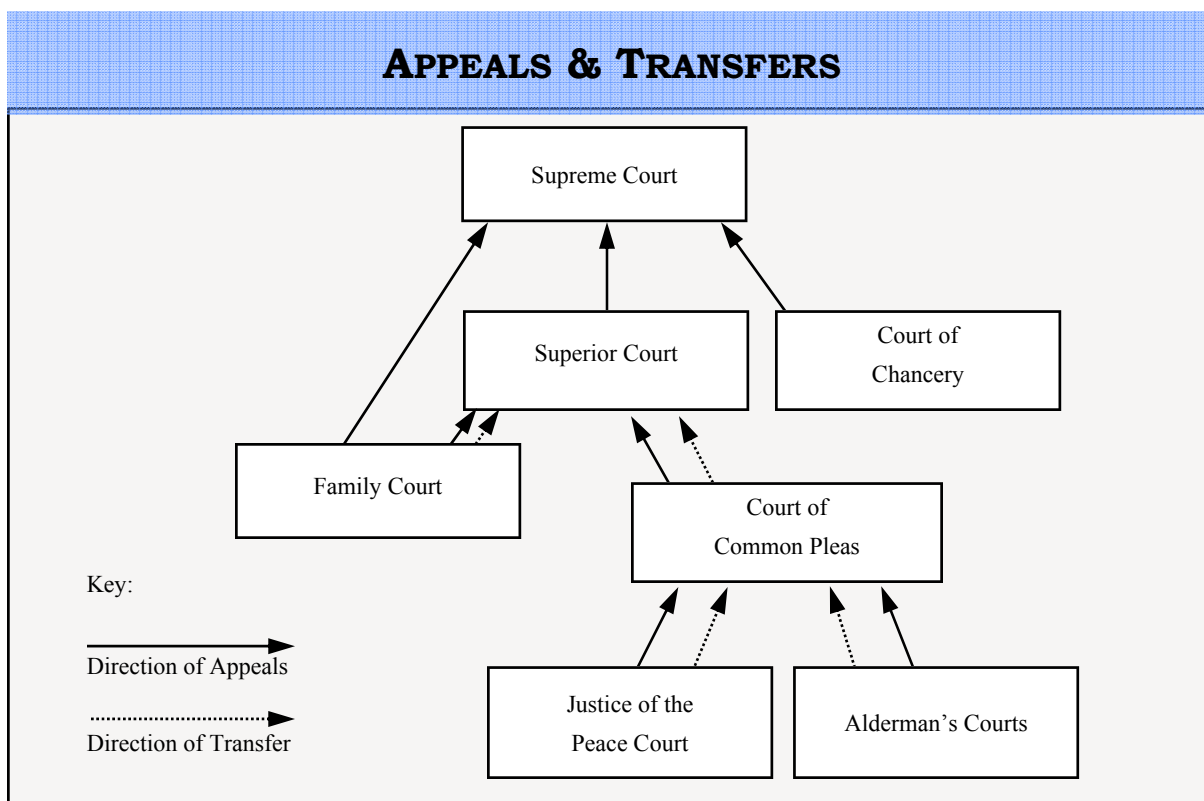
The Administrative Office of the Courts, including the Judicial Information Center and the Office of the State Court Collections Enforcement, provides services to the Delaware judiciary that are consistent with the statewide policies and goals for judicial administration and support operations established by the Chief Justice of the Supreme Court.

Other agencies associated with the Delaware Judicial Branch include these state agencies: Violent Crimes Compensation Board, Child Placement Review Board, Educational Surrogate Parent Program, Law Libraries, Office of the Public Guardian, Office of the Child Advocate, Child Death, Near Death and Still Birth Commission, and the Nursing Home Residents Quality Assurance Commission. The majority of the components of the Delaware judicial system are funded by the State. Exceptions are the Alderman's Courts, the Registers of Wills for the Court of Chancery, and the Sheriffs' Offices.



Supreme Court—Dover

OVERVIEW OF THE COURTS



THE DELAWARE COURT SYSTEM

COURT OF LAST RESORT

SUPREME COURT

Final appellate jurisdiction for criminal cases in which the sentence exceeds certain minimums, and in civil cases as to final judgments, certain orders of the Court of Chancery, the Superior Court, and the Family Court and court designated boards. Issuer of certain writs.

EQUITY COURT

COURT OF CHANCERY

Hear/determine all matters and causes in equity (typically corporate, trust, fiduciary matters, land sale, real estate, and commercial/contractual matters).

LAW COURT

SUPERIOR COURT

Original statewide jurisdiction over criminal and civil cases (except equity cases). Exclusive jurisdiction over felonies and drug offenses (except marijuana possession and most felonies/drugs involving minors). Involuntary commitments to Delaware State Hospital. Intermediate appellate court from the Court of Common Pleas, Family Court (adult criminal) and administrative boards.

COURTS OF LIMITED JURISDICTION

FAMILY COURT

Extensive jurisdiction over all domestic relations matters, including divorce, custody, guardianships, adoptions, visitation, child and spousal support, and property division. Jurisdiction over intrafamily misdemeanors, misdemeanor crimes against children, and civil domestic violence protective orders. Jurisdiction over all juvenile offenses except certain serious offenses.

COURT OF COMMON PLEAS

Statewide jurisdiction in civil actions that do not exceed \$50,000. All criminal misdemeanors (except certain drug-related offenses). All motor vehicle offenses (except felonies). Responsible for preliminary hearings. Appeals from the Justice of the Peace Courts, Alderman's Courts, and the Division of Motor Vehicles.

JUSTICE OF THE PEACE COURT

Civil cases that do not exceed \$15,000. Certain misdemeanors and most motor vehicle cases (except felonies). May act as committing magistrate for all crimes. Landlord/tenant disputes.

ALDERMAN'S COURTS*

Minor misdemeanors, traffic, parking, and minor civil matters occurring within town limits (specific jurisdiction varies with town charter, as approved by the General Assembly).

*Alderman's Courts are not part of the Delaware court system. They are independent entities within their respective municipalities. However, appealed cases are transferred to a State court.